

**PUBLIC PROTECTION AND REGULATION CABINET**

***DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL***



PAUL E. PATTON  
GOVERNOR

COMMONWEALTH OF KENTUCKY  
**DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

1003 TWILIGHT TRAIL  
FRANKFORT, KENTUCKY 40601-8400  
(502) 564-4850  
FAX (502) 564-7479

STEPHEN G. HORNER  
COMMISSIONER-CHAIRMAN

June 23, 2003

Suzanne Renaud  
105 Sea Hero Road, Suite 2  
Frankfort, Kentucky 40601

Re: Title VI Implementation Plan Update and Compliance Report

Dear Suzanne:

Enclosed, please find Hard Copy of the reports for Fiscal Year Ending June 30, 2003.  
Should you need anything further from ABC please advise.

Sincerely,

A handwritten signature in cursive script that reads "Everett E. Thompson".

Everett E. Thompson  
Director, Administrative Services  
Alcoholic Beverage Control  
Frankfort, Kentucky 40601  
Phone # 502-564-4850  
Fax # 502-564-7479



**2003 TITLE VI COMPLIANCE STATUS**

Alcoholic Beverage Control  
1003 Twilight Trail, Suite A-2  
Frankfort, KY 40601  
(502) 564-4850

	YES	NO
1. Services from this facility are provided to clients without regard to race, color or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. An employee has been appointed to serve as Title VI Local Coordinator for this agency/facility.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Minorities are represented on the advisory board. *	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. A written procedure exists for hearing and reviewing Title VI complaints.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Records are maintained regarding all alleged cases of discrimination.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Title VI poster (where possible) are prominently displayed and are used to emphasize the Title VI program and Complaint opportunities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. New employees are clearly informed about their responsibilities to clients under Title VI.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Contracts between this agency and another party include the formal Title VI Statement of Compliance clause.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Other parties which contract with this agency are clearly informed by this agency about their own responsibilities to clients under Title VI standards.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. All physical facilities and physical areas are made available to every client without regard to race, color or national origin.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* The Alcoholic Beverage Control Board is appointed by Governor's Office.

Everett E. Thompson, Title VI Coordinator  
Alcoholic Beverage Control

Date: June 23, 2003



**TITLE VI PLAN  
2003 UPDATE**

**CABINET FOR PUBLIC PROTECTION AND REGULATION  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
EFFECTIVE 01-01-95  
REVISED 06-23-03**

**TABLE OF CONTENTS**

i.	OVERVIEW
I.	PURPOSE AND/OR MISSION
II.	SCOPE/LEGAL AUTHORITY
III.	RESPONSIBLE OFFICIAL
IV.	STATEMENT OF ASSURANCE
V.	EFFECTIVE DATE
VI.	PROGRAMS/ACTIVITIES SUBJECT TO TITLE VI
VII.	COMPLAINT PROCEDURES/SYSTEM
VIII.	COMPLIANCE/NONCOMPLIANCE
IX.	TRAINING
X.	GOALS AND EVALUATION PROCEDURES
XI.	PUBLIC NOTIFICATION/OUTREACH
XII.	RECORDKEEPING/REPORTING
XIII.	MINORITY REPRESENTATION ON BOARDS
XIV.	GLOSSARY/DEFINITION OF COMMON TERMS

**I. PURPOSE AND/OR MISSION STATEMENT**

The purpose of the Civil Rights Act of 1964, Title VI, is to assure that "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

The Department of Alcoholic Beverage Control will continue to assure that any and all services provided by employees of the agency will be made fully available to all individuals, regardless of race, color or national origin.

**II. SCOPE**

Senate Bill 248, passed by the 1994 Regular Session of the Kentucky General Assembly, and codified as KRS 344.015 required:

- 1) All state agencies to develop a Title VI implementation plan by January 1, 1995;
- 2) Each agency to submit a copy of the plan to the Auditor of Public Accounts and the Human Rights Commission;
- 3) Each agency to submit annual compliance reports and plan updates to the Auditor of Public Accounts by July 1 every year;
- 4) The Auditor of Public Accounts to audit, evaluate and report on agencies Title VI plans;
- 5) That plans be available for copying;
- 6) That audits should determine compliance with the law; and
- 7) That Federal Funds should be utilized for any costs incurred in implementing Title VI of the Civil Rights Act of 1964.

**III. RESPONSIBLE OFFICIAL**

The responsibility for overseeing the implementation, regulation, monitoring and enforcement of the Title VI plan for the Department of Alcoholic Beverage Control resides with the Commissioner of the Department, the Director of Administrative Services and the Directors of the Divisions receiving federal funding. The Director of Administrative Services is the primary agency contact and any and all inquiries relating to Title VI should be sent to the following address:

Department of Alcoholic Beverage Control  
Division of Administrative Services  
Current Director: Everett E. Thompson  
1003 Twilight Trail  
Frankfort, KY 40601

The department will allocate the necessary staff and budgetary resources to assure programmatic access for all individuals, regardless of race, color or national origin. It is anticipated that up to five percent (5%) of the time of the Director and one additional employee will meet the needs of the plan.



**IV. STATEMENT OF ASSURANCES**

The Department of Alcoholic Beverage Control assures that every effort will be made to comply with Title VI of the 1964 Civil Rights Act. At this time there are no sub-recipients to monitor, as no federal funds are channeled to other entities.

**V. EFFECTIVE DATE**

Pursuant to Senate Bill 248, the provisions of this Title VI plan are effective January 1, 1995.

**VI. PROGRAMS/ACTIVITIES SUBJECT TO TITLE VI**

The Department's Enforcement Division currently receives a grant from the Kentucky State Police Traffic Safety Branch. The grant monies are used to pay overtime hours worked by ABC Investigators working programs that address underage drinking. The Kentucky State Police receive this funding from the Office of Juvenile Justice and Delinquency Prevention Grant Program of The Federal Government. This is the eighth year of the Department's involvement, which began in December 1995. The current contract expires May 31, 2004. Also from this fund the ABC Education Branch receives funds to produce printed education Materials.

The Licensing Division currently does not receive federal assistance. This Division issues all malt beverage and distilled spirits licenses throughout the state of Kentucky.

The Division of Administrative Services currently does not receive federal assistance. This division provides fiscal, personnel and administrative support for the above listed programmatic divisions.

## **VII. COMPLAINT PROCEDURES/SYSTEM**

Any individual alleging discrimination based on race, color or national origin has a right to file a complaint within 180 days of the alleged discrimination. All complaints, written or verbal, should be accepted. In the event a complainant refuses or is unable to put their allegations in writing, the complainant should be assisted in contacting the Department's Title VI Coordinator, Mr. Everett Thompson. Mr. Thompson will assist by reducing the elements of the complaint into writing. Forms are available from the agency coordinator, but the use of such Forms are not required for acceptance of the complaint.

Complaints should contain the following information:

- 1) Name, address and phone number of complainant if known.
- 2) The location and name of facility providing the service.
- 3) The nature of the incident that lead to the complaint.
- 4) The basis of the complaint, i.e. race, color or national origin.
- 5) Name, address and phone number of the witness(es) or other individual(s) who may have knowledge of the event.
- 6) The date or dates on which the alleged discriminatory event or events occurred.

Complaints received by the Department will be processed as follows:

- 1) All complaints received by the Agency Coordinator shall be forwarded to the Agency General Counsel.
- 2) The Agency General Counsel shall send the complainant a letter acknowledging receipt of the complaint, and shall attempt to set a time for either a telephone conversation or a meeting to discuss the events of the complaint.
- 3) Within ninety, (90) days of receipt the General Counsel will conduct a preliminary inquiry to substantiate or refute any and all allegations, and report in writing the results of this preliminary inquiry.
- 4) If the allegations in the complaint are not substantiated, the complainant will be notified and informed how the determination was made. The notice should also inform the complainant of avenues to pursue the complaint beyond the agency.
- 5) If the preliminary inquiry indicated that there may be a problem, then a full investigation should be initiated. Any program found in violation of Title VI will be immediately changed to assure programmatic access regardless of race, color or national origin.

## **VIII. COMPLIANCE/NONCOMPLIANCE**

The Department currently has neither sub-recipients nor sub-grantees. To assure compliance of all programs operated within the Department of Alcoholic Beverage Control (see Section VI), an annual self-evaluation will be conducted. The self-evaluation will examine all facets of the programs offered through the agency. Any instance in which the self-evaluation results in a determination that violations may exist will be followed by a full investigation by the agency coordinator. Full records and reporting will be maintained regarding such evaluations and investigations. The records will include resolution, enforcement, corrective action(s), and set a schedule for more frequent than annual monitoring.

## **IX. TRAINING**

The Department of Alcoholic Beverage Control will provide written notice to all current employees concerning the agency's commitment to assuring compliance with Title VI by seeing that all programs are equally accessible regardless of race, color or national origin. A module will also be added to the agency orientation package for new employees. Should additional training become available, the agency coordinator will attend, and pass the benefit of the training on to pertinent staff members.

## **X. GOALS AND EVALUATION PROCEDURES**

The Department of Alcoholic Beverage Control's agency coordinator will ensure that the agency as well as any future sub-recipients, continue to be in compliance with Title VI by periodically gathering data on the following types of information:

- The manner in which services are provided by the program;
- The color, race, and national origin statistics relating to the segment of the population served;
- Program employment data;
- A review of existing and proposed facilities to assure there is nothing to adversely effect the provision of services to the interested population, regardless of race, color and/or national origin;
- A review of minority membership on planning and/or advisory bodies of any future potential sub-recipients.

The data gathering may include both research and field reviews.

## **XI. PUBLIC NOTIFICATION/OUTREACH**

The Department of Alcoholic Beverage Control, as well as any future sub-recipients, will take positive and specific actions to advise and inform the public about all available services and about their rights under Title VI. As part of the compliance procedures, the Department will display posters and other literature stating program compliance with Title VI. Civil rights requirements will be incorporated in all guidelines, and information on Title VI will be made available to the public. All published program information will include a statement that the program is available to all without regard to race, color or national origin.

**XII. RECORDKEEPING/REPORTING**

The agency coordinator will prepare an annual summary of monitoring activities and compliant processing. In the future, should funds be distributed to sub-recipients, an annual report of that entity will also be acquired. The Department will compile, and submit upon request, a list of all complaints against programs, all instances of probable non-compliance with Title VI.

**XIII. MINORITY REPRESENTATION ON PLANNING AND/OR ADVISORY BOARDS**

The Alcoholic Beverage Control Board is part of the Commissioner's Office. There are three members appointed by the Governor of Kentucky. At this time there are no minorities represented on the Board.

The staff of the Department of Alcoholic Beverage Control is currently sixty-eight (68) employees. This includes two (2) minorities, 2.4%, as defined by Title VI. The goal of the Department, Cabinet and Executive Branch of Kentucky State Government is to have 7.51% of our workforce comprised of minorities. The agency continues to attempt to identify, test and employ qualified minority applicants.

#### **XIV. GLOSSARY/DEFINITION OF COMMON TERMS**

- **Compliance:** The fulfillment of the requirements of Title VI, other applicable laws, implementing regulations and instructions to the extent that no distinctions are made in the delivery of any service or benefit on the basis of race, color or national origin.
- **Complaint:** A verbal or written allegation of discrimination that indicated that a federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color or national origin.
- **Discrimination:** To make a distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color or national origin.
- **Federal Assistance:** Any Federal funding, property, or aid provided for the purpose of assisting a beneficiary.
- **Minority:** A person or group of persons differing from others in some characteristic(s) who may be subjected to differential treatment on the basis of race, color or national origin.
- **Noncompliance:** Failure and/or refusal to comply with Title VI of the Civil Rights Act of 1964 or other applicable civil rights laws.
- **Sub-recipient:** Any public or private entity to which federal financial assistance is tendered, through a grantee or recipient, for any program.